

TOWN OF DAVIE TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Mark A. Kutney, AICP, Development Services Director/ (954) 797-1101
Prepared by: Christopher M. Gratz, Planner II

SUBJECT: Special Permit, SE 5-1-03 Camelot Estates, Nathan Chamberlain, Dream Homes of Davie, LLC, 3900 Joan's Way/Generally located on the north side of SW 42 Court at SW 105 Avenue.

AFFECTED DISTRICT: District 3

TITLE OF AGENDA ITEM: SE 5-1-03 Camelot Estates, 3900 Joan's Way (A-1)

REPORT IN BRIEF:

The applicant requests approval of a special permit to fill 43,600 cubic yards of the 21.945 acres site, generally located on the north side of SW 42 Court at SW 105 Avenue. A site plan has been approved for nineteen (19) custom luxury homes, entrance features, landscaping, and parking.

PREVIOUS ACTIONS: None.

CONCURRENCES:

At the July 23, 2003, Planning and Zoning Board meeting, Mr. McLaughlin made a motion, seconded by Vice-Chair Waitkus, to approve based upon the following stipulations: 1) working hours are from 8 a.m. to 5 p.m., Monday through Friday; 2) the applicant was to clean up any mess or "fugitive dust" on the road within 24 hours; 3) that there be a "sufficient" bond set; and 4) that road repairs be made on a monthly basis (Motion carried 4-1 with Ms. Lee being opposed).

FISCAL IMPACT: None

RECOMMENDATION(S): Staff finds the subject application complete and suitable for transmittal to Town Council for further consideration.

Attachment(s): Planning Report, Land Use Map, Zoning and Aerial Map

TOWN OF DAVIE
Development Services Department
Planning and Zoning Division Staff
Report and Recommendation

Applicant Information

Owner/Agent:

Name: Nathan Chamberlain
Dream Homes of Davie, LLC
Address: 3900 Joan's Way
City: Davie, FL 33328
Phone: (954) 295-4959

Background Information

Date of Notification: July 16, 2003 **Number of Notifications:** 111 (1,000' radius)

Application History: No deferrals have been requested.

Application Request: Special Permit in order to fill 43,600 cubic yards of the site, pursuant to Section 12-33 (P) of the Land Development Code.

Address/Location: 3900 Joan's Way/Generally located on the north side of SW 42 Court at SW 105 Avenue.

Future Land Use Plan Map Designation: Residential (1 DU/AC)

Zoning: A-1, Agricultural District

Existing Use: 2 detached single family units and multiple barns

Approved Use: Nineteen (19) detached single family units

Parcel Size: 21.945 acres (955,939 square feet)

	<u>Surrounding Uses:</u>	<u>Surrounding Land Use Plan Designation:</u>
North:	Long Lake Ranches	Residential (1 DU/AC)
South:	Camelot Farm (Unrecorded Plat)	Residential (1 DU/AC)
East:	Royal Palm Trail	Residential (1 DU/AC)
	Royal Palm Estates	
West:	Mystique	Residential (1 DU/AC)

Surrounding Zoning:

North: AG, Agricultural District
South: A-1, Agricultural District
East: R-1, Estate Dwelling District
West: A-1, Agricultural District

Zoning History

Previous Requests on same property: The plat, P 9-1-95 P & J Estates, was approved on December 20, 1995, with a note restricting it to 4 detached single family units (2 existing, 2 proposed), 6 existing stables and 2 existing storage buildings). The plat was subsequently recorded in Plat Book 161, Page 23, of the official records of Broward County.

The delegation request, DG 6-2-02 P & J Estates, authorizing changing the restrictive note to allow 21 detached single family units, was approved on August 21, 2002.

The site plan, SP 2-1-03 Camelot Estates, was approved on July 8, 2003.

Application Details

The applicant requests approval of a special permit to fill 43,600 cubic yards of the 21.945 acres site, generally located on the north side of SW 42 Court at SW 105 Avenue. A site plan has been approved for nineteen (19) custom luxury homes, entrance features, landscaping, and parking.

Applicable Codes and Ordinances

Land Development Code, §12-33 (P) Filling of Lakes and Ponds Prohibited, Exception:

- (1) It shall be unlawful for any person, firm, corporation or association to fill any lake, pond or other water body in the town, without first obtaining a permit for such activity.
- (2) The filling of any lake, pond or other water body with material obtained from off-premises in excess of three thousand (3,000) cubic yards shall be permitted only after issuance of a special permit has been approved by the town council.
- (3) The filling of a pond not to exceed three thousand (3,000) cubic yards which is wholly contained on a single lot or parcel shall not necessitate the approval of a special permit by the town council.
- (4) An application for such special permit shall be accompanied by the following:
 - a. A plot plan to show the property owned by the applicant with reference to streets, highways, and contiguous platted areas showing thereon the proposed land development with cross-sections to show approximate elevation thereof after development as well as prior to development.

- b. The plans, maps, elevations and cross-sections required by this section shall be made by a surveyor or engineer registered as such by the State of Florida.
- c. A permit fee as set by the Council by means of a resolution enacted by a majority of the Council, at a public hearing, with proper legal advertising.
- d. A statement describing the scope of work to be accomplished, the type of material to be used as fill, the source of fill material including location of same, proposed haul route(s), and any other pertinent information deemed necessary by staff to adequately review the special permit request.

Land Development Code, §12-308, review for special permits.

Comprehensive Plan Considerations

Planning Area: The subject property falls within Planning Area 2. Planning Area 2 includes the westernmost section of the Town north of Orange Drive and south of SW 14 Street, and bound on the west by Interstate 75 and on the east by SW 100 Avenue. The predominant existing and planned land use is single family residential at a density of one dwelling per acre.

Broward County Land Use Plan: The subject site falls within Flexibility Zone 100.

Applicable Goals, Objectives & Policies: *Future Land Use Plan, Objective 17: Land Use Compatibility and Community Appearance, Policy 17-3:* Each development proposal shall be reviewed with respect to its compatibility with adjacent existing and planned uses.

Staff Analysis

The intent of the special permit application to fill more than 3,000 cubic yards of any lake, pond or other water body with material obtained from off-premises is for Town Council to review the impacts of the filling in advance of the activity taking place. Importing a large amount of fill may have a negative effect on the roadways leading to the site due to the number of trips the large equipment will have to make to complete the task. The hauling route is also to be considered, and an assurance that roadways will be repaired, should they be damaged, must be obtained. Additionally, the material being used to fill and the resulting change in the land's elevation must be specified and approved.

There is only one (1) means of ingress/egress for Camelot Estates, which is via SW 105 Avenue from Orange Drive. The applicant states that No.1 fill will be used, truck activity will be limited to 7 am to 6 pm daily, with no activity on Sundays, and that excessive deterioration of SW 105 Avenue will be mitigated prior to the issuance of any Certificates of Occupancy. A bond to guarantee this is to be provided to the Engineering Division prior to the commencement of work. The resulting change in the elevation of the land has been approved with the site plan, and approval from the Central Broward Water Control District must be obtained prior to the issuance of a site development permit.

Findings of Fact

Review for Special Permits:

Section 12-308(A) (1) (a):

The following findings of facts apply to the special permit request:

- (i) The proposed change is not contrary to the adopted comprehensive plan, as amended, or any element or portion thereof;

The proposed filling does not conflict with any portion of the comprehensive plan.

- (ii) The proposed change will not create an unrelated an incompatible use;

The proposed filling will create more buildable land for single family residential use, which is the same use as the surrounding properties.

- (iii) The proposed change will not adversely affect living conditions in the neighborhood or the town;

The filling process may negatively impact SW 105 Avenue; however the applicant will provide a bond to the Engineering Division prior to the commencement of work which will guarantee that any excessive deterioration of the road will be mitigated.

- (iv) The proposed change will not create or excessively increase automobile and vehicular traffic congestion above that which would be anticipated with permitted intensities or densities of the underlying land use plan designation, or otherwise affect public safety;

Traffic generated by the filling will be limited to 7 am to 6 pm daily, with no activity on Sundays.

- (v) The proposed change will not adversely affect surrounding property values;

The proposed filling will have no impact on surrounding property values.

- (vi) The proposed change will not be a deterrent to the improvement or development of other property in accord with existing regulations;

The proposed filling will not deter other property owners from improving their properties.

- (vii) The proposed change does not constitute a grant of special privilege to an individual owner as contrasted with the welfare of the general public.

This request is an activity that may be permitted it if is determined by the Town Council to be compatible with the surrounding uses.

Staff Recommendation

Staff finds the subject application complete and suitable for transmittal to the Planning and Zoning Board and Town Council for further consideration.

Planning and Zoning Board Recommendation

At the July 23, 2003, Planning and Zoning Board meeting, Mr. McLaughlin made a motion, seconded by Vice-Chair Waitkus, to approve based upon the following stipulations: 1) working hours are from 8 a.m. to 5 p.m., Monday through Friday; 2) the applicant was to clean up any mess or "fugitive dust" on the road within 24 hours; 3) that there be a "sufficient" bond set; and 4) that road repairs be made on a monthly basis (Motion carried 4-1 with Ms. Lee being opposed).

Town Council Action

Exhibits

1. Justification
2. Future Land Use Map
3. Zoning and Aerial Map

Prepared by: _____

Reviewed by: _____

NIBOR CONSTRUCTION, INC.

CAMELOT ESTATES
JOBSITE OFFICE
954-887-0068
FAX: 954-887-0813

May 8, 2003

Mr. Christopher Gratz
Planner II
Town of Davie
Davie, Fl.

Re: Camelot Estates Special Fill Permit Criteria

Dear Chris;

I am writing to you on behalf of Dream Homes of Davie, LLC, owners of Camelot Estates. I have been handling the developmental process for the owners and will be building the homes at Camelot Estates. We are proposing to build nineteen single-family homes. To accomplish this goal, it will be necessary to reconfigure the dredged drainage pond at the center of the property and fill in a small pond that was dredged for exercising horses in past years when the property was a horse training facility.

Trucks will bring No. 1 fill as approved by the engineer of record, Neal Janov, P.E. The truck route will be from the east or west along Orange Drive to SW 105th Ave., North to the property. Truck activity will be limited to normal working hours of 7a.m. to 6 p.m. daily, with no activity on Sundays. Excessive deterioration of 105th Ave. due to truck traffic will be mitigated by the owners of Camelot Estates prior to the issuance of and Certificates of Occupancy for home in Camelot Estates.

We believe that the proposed development of, and site plan for Camelot Estates is in full compliance with the Town of Davie comprehensive land use plan as it will be compatible to the neighbors on all four sides of the project. Camelot Estates will have property sizes of a minimum of 35,000 sq. ft. as per Town standards. Since there will only be nineteen single-family homes on the 22 acre site, the county has determined that there will be only a modest impact to the traffic on the surrounding roadways. Because the traffic will be controlled by a single loop around Camelot Estates, there will be minimal safety complications.

Camelot Estates will be a contributor to the increase in value of adjacent land and homes, since the homes in Camelot Estates will have an average value in excess of \$ 1,000,000.00. Camelot Estates is the last undeveloped property in the area. Camelot Estates is in full compliance with Town standards and the Rural Lifestyles Initiative.

Thank you for your cooperation in moving this process forward by consideration of the special permit needed to bring fill for the development of a jewel in the Town of Davie crown, Camelot Estates.

Sincerely,


Nate Chamberlain
Project Manager

RECEIVED

JUN 06 2003

TOWN OF DAVIE
ANNING & ZONING DIV.

CAMELOT ESTATES
HORSE POOL RECLAMATION PROTOCOL
AS PER D.C.E.S.
PROJECT ENGINEERS
OCT. 03, 2002

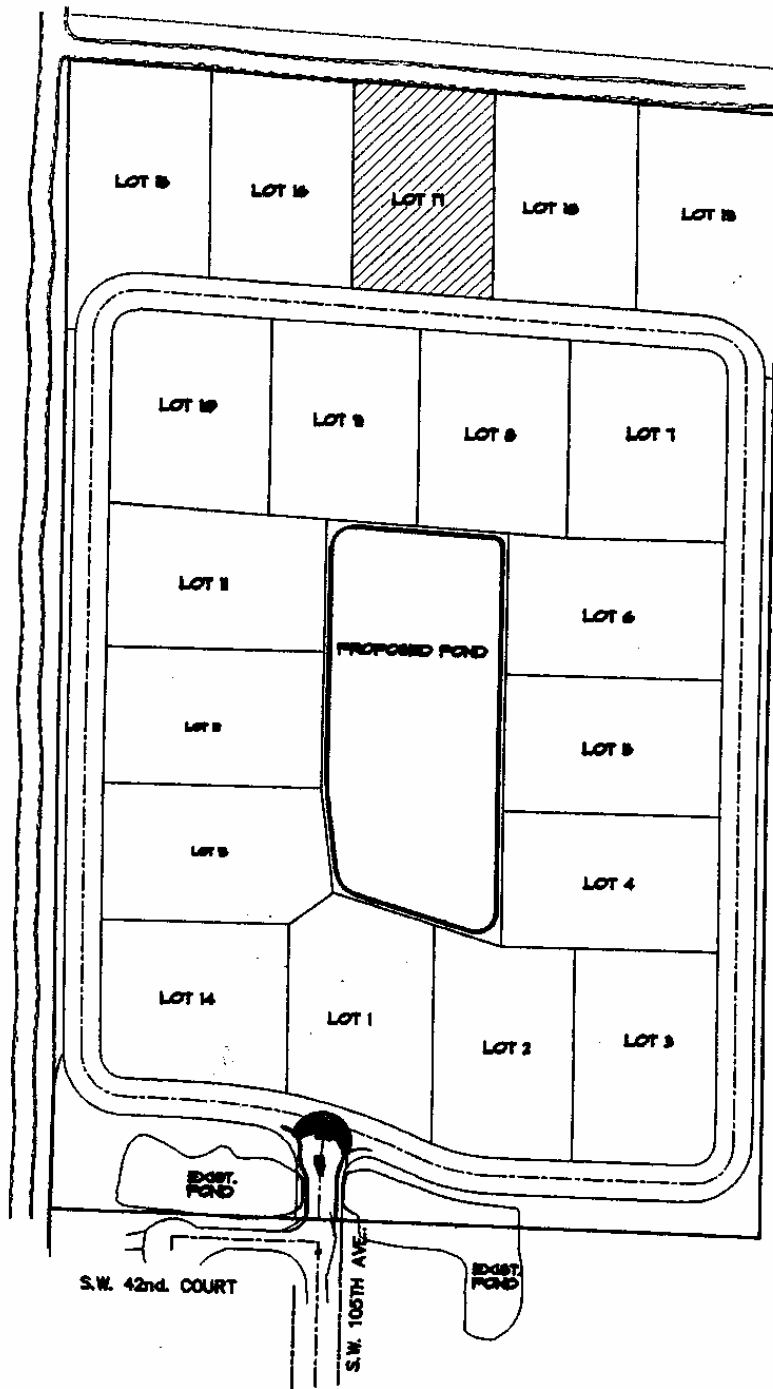
NOTES:

1. PRIOR TO COMMENCEMENT OF ANY BACKFILLING OPERATIONS, ALL DEBRIS, TRASH, FOREIGN OBJECTS, ORGANIC MATTER, ROOTS, AND SILT SHALL BE EXCAVATED TO A DEPTH WHERE SUITABLE SOILS ARE ENCOUNTERED. ALL MATERIAL REMOVED SHALL BE HAULED OFF OF THE SITE.

2. ONCE UNSUITABLE SOILS HAVE BEEN SUFFICIENTLY REMOVED, THE AREAS SHALL BE BACKFILLED WITH CLEAN SANDS WITH NO MORE THAN 5% PASSING THE U.S. NO. 200 SIEVE AND WITH AN ORGANIC CONTENT NO GREATER THAN 3%. THE FILL SHALL BE BROUGHT TO A MOISTURE CONTENT WITHIN 3% OF THE OPTIMUM REQUIRED FOR COMPACTION AND SPREAD IN LIFTS WHICH DO NOT EXCEED 12 INCHES IN UNCOMPACTED HEIGHT (NOTE: IT MAY BE NECESSARY TO PLACE AN INITIAL LIFT OF BACKFILL TO 18 INCHES ABOVE THE PREVAILING GROUNDWATER LEVELS TO CREATE A STABLE WORKING PLATFORM). THE FILL SHALL BE UNIFORMLY COMPACTED TO AT LEAST 95% OF THE ASTM D 1557 MAXIMUM DRY DENSITY. THE MAXIMUM PARTICLE SIZE OF THE FILL USED SHALL NOT EXCEED 6 INCHES, HOWEVER, NO PARTICLE LARGER THAN 3 INCHES SHALL BE ALLOWED IN THE TOP ONE FOOT OF FILL.

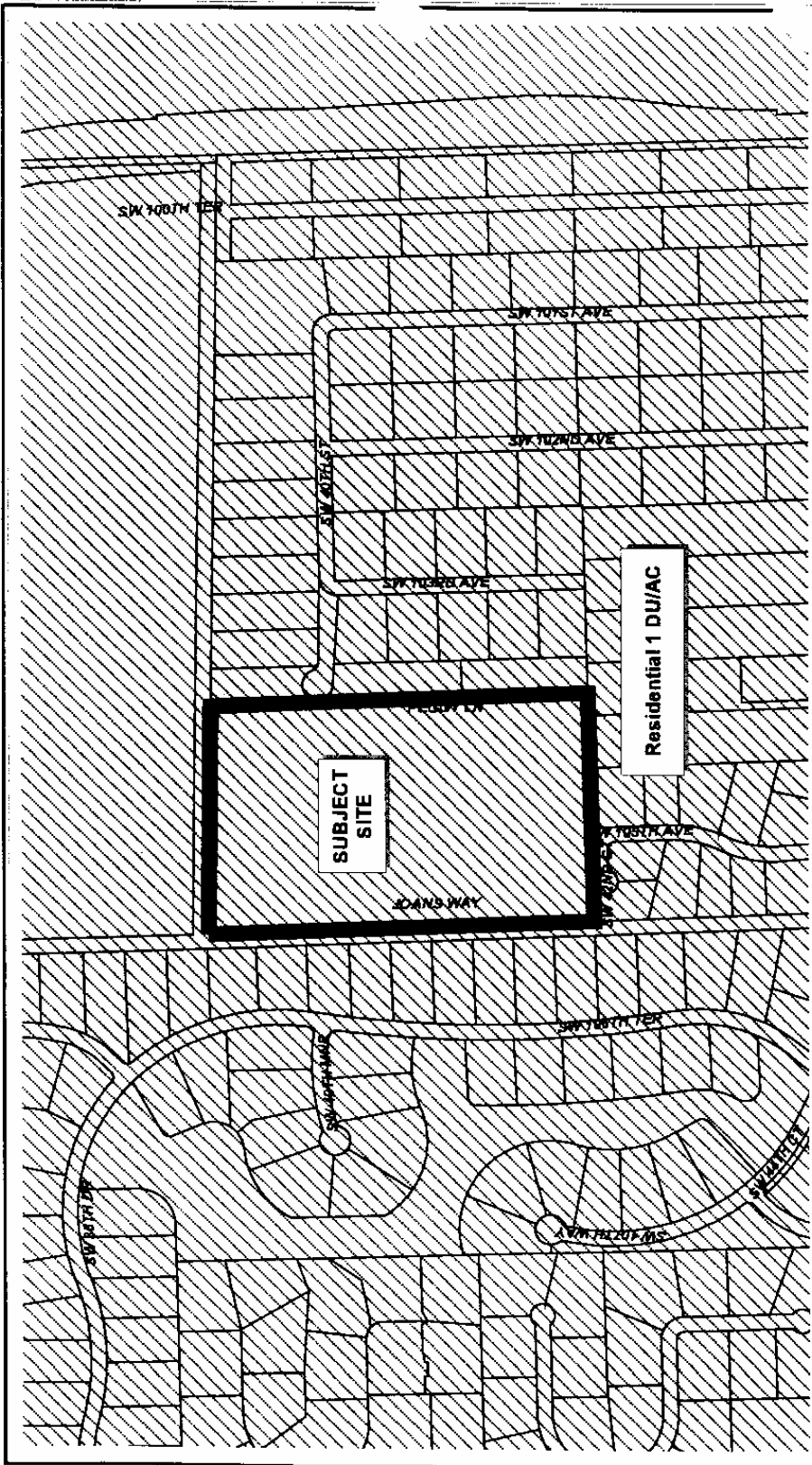
EXCAVATION, PLACEMENT, AND COMPACTION OF FILL WILL BE CLOSELY MONITORED. A REPRESENTATIVE NUMBER OF IN-PLACE FIELD DENSITY TESTS AND RE-BORINGS SHALL BE PERFORMED IN THE COMPACTED SOILS TO CONFIRM THE REQUIRED DEGREE OF COMPACTION HAS BEEN ACHIEVED.

CAMELOT ESTATES



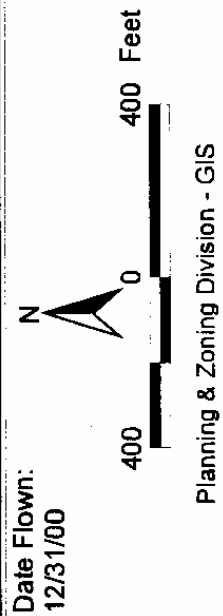
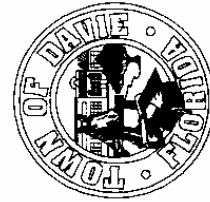
LOCATION PLAN NTS





SPECIAL PERMIT **SE 05-01-03** **Future Land Use Plan Map**

Prepared By: CMG
 Date Prepared: 7/9/03



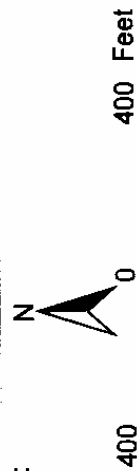


SPECIAL PERMIT **SE 05-01-03** **Zoning and Aerial Map**

Prepared By: CMG
 Date Prepared: 7/8/03



Date Flown:
 12/31/00



Planning & Zoning Division - GIS